

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RELX Inc.,

Plaintiff,

vs.

INFORMATICA LLC

Defendant.

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No. 16-cv-9718 (AKH)

DECLARATION OF  
CHRISTOPHER RUCINSKI

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INFORMATICA LLC,

Counter-Plaintiff,

vs.

RELX Inc.,

RELX Group plc

Counter-Defendants.

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I, Christopher Rucinski declare:

1. I am a Vice President at Stroz Friedberg, an Aon Company (“Stroz Friedberg”), located at 53 State Street, Boston MA 02109.
2. I have been retained by counsel for RELX, Inc. and RELX Group PLC (collectively, “LexisNexis”) to offer my opinions as an expert in computer science related to the above captioned litigation between RELX and both Informatica Corp. and Informatica LLC (collectively, “Informatica”).

3. I graduated *cum laude* with an A.B. in Computer Science from Princeton University in 2010, and in 2015, I obtained the GCFE (GIAC<sup>1</sup> Certified Forensic Examiner) certification. In 2010, I began working at Elysium Digital as a computer scientist, and I continued to work there until Elysium Digital was acquired in 2015 by Stroz Friedberg, where I have worked since.

4. I have worked as a software developer and as a consultant regarding intellectual property disputes. I have served as a consulting expert on issues involving intellectual property and computer science in more than 90 engagements, and I have testified as an expert on computer source code, data analysis, and digital evidence collection in federal court.

5. I have education, training, skills, knowledge, and experience to evaluate data and arrive at my computer-science based opinions.

6. My opinions are based on my expertise in computer science and my analysis does not require any expertise in capacity planning, although my opinions also rely on methodologies that are generally acceptable according to standards published for capacity planners.

7. I reviewed hundreds of pages of documents about Informatica software, interviewed two members of LexisNexis' technical team that were responsible for interacting with LexisNexis' ICCE Platform and Informatica software, and devoted five pages of my expert report to describing the relationship between the ICCE Platform and Informatica software, including how Informatica's software functioned. A true and correct copy of my Expert Report is attached hereto as Exhibit 2.

8. Under the ITIL standards related to capacity planning one should review the following when evaluating the capacity of components in a system, including CPU capacity: "The use of each component and service needs to be considered over the short, medium and long term, and the minimum, maximum and average utilization for these periods recorded. Typically, the short-

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<sup>1</sup> "GIAC" stands for Global Information Assurance Certification: <http://www.giac.org>.

term pattern covers the utilization over a 24-hour period, while the medium term may cover a one- to four-week period, and the long term a year-long period. Over time, the trend in the use of the resource by the various IT services will become apparent.” ITIL Service Design, 2011 Edition at p. 171. A true and correct copy of page 171 is attached hereto as Exhibit 3.

9. The CPU utilization report and other reports that I relied on to form my benefit opinions contain exactly this type of data identified in the ITIL standard.

10. I intend to testify that the source code Informatica software deposited with its copyright application was not contained in the upgrade scripts that Dwight Groff used to upgrade Informatica software and that it was not copied when the software programs were executed. The foregoing is based on my personal knowledge. If called to testify as a witness, I could and would testify competently thereto.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This declaration is executed on the 12<sup>th</sup> day of November 2018 at Boston, Massachusetts.

  
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Christopher Rucinski